

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America,

v.

Florentino Ruidiaz, Jr.

CRIMINAL NO. 05CR10214MLW

MOTION TO CONTINUE TRIAL DATE TO A DATE IN JULY 2007

The defendant respectfully requests that his trial date be postponed for six (6) months. In support the defendant states the following:

1. This motion is in the interest of judicial economy. The undersigned has met at length with the defendant, and this motion is his direct personal request to the court. Within the past week, he has expressly authorized the undersigned to state that he knowingly and intelligently, absolutely and unequivocally, waives any and all “speedy trial” rights, through and including, the next reasonably scheduled court date whether Constitutional, statutory or other. The undersigned, by his signature below, states that this request was initiated by the defendant at a one on one personal meeting between us, and that he appeared sober and articulate at the time.
2. The defendant is charged with being a felon in possession of a firearm.
3. His Massachusetts “CORI” record demonstrates three predicate felonies such that, if he were to plead guilt, or be found guilty, he could be facing a fifteen year mandatory minimum sentence.
4. After careful evaluation, it appears there are arguments that two of these predicate

convictions may be vacated per Mass. R. Crim P. 30. Papers seeking such vacation of one such conviction are being finalized and will be filed before year end.

5. The other should be filed by mid January.
6. The defendant is uncomfortable executing a plea agreement before the attempts to vacate the State cases have been undertaken. Please recall that the undersigned counsel has only had the case for approximately six (6) months, and this has come (simply by coincidence) at an unusually busy time.
7. Notwithstanding his discomfort, the defendant respects and recognizes (without waiving any rights whatsoever) that, assuming the testimony proffered at the suppression hearing is replicated at trial, trying the case would probably not be a useful exercise.
8. The defendant would prefer to wait to see if a state case may be vacated rather than attempt to have his sentence herein reduced by a post-judgment petition.

WHEREFORE:

The defendant requests that the court exercise its discretion, find a knowing waiver of any and all “speedy trial rights” and continue this matter for six months.

Respectfully Submitted,
Florentino Ruidiaz, Jr.,
By his attorney,

/s/ Robert S. Sinsheimer
B.B.O No. 464940
Denner Pellegrino, LLP
4 Longfellow Place, 35th Floor
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Dated: December 22, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF System will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 22, 2006.

/s/ Robert S. Sinsheimer